IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5871 of 2005

Between:

Masha College of Education, rep.by its Correspondent
Shaik Mahaboob Saheb,
S/o.Abdul Sattar Anumalaguthi Road,
Yerranguntla-516309, Cuddapah District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Minorities Welfare (M&R) Department, rep.by its Principal Secretary, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education rep.by its Chairman State Level Committee, Hyderabad, Andhra Pradesh.
3 The Regional Joint Director of School Education, Cuddapah, Cuddapah District.
4 A.P.State Council for Higher Education, Hyderabad.
5 The Convenor, A.P.Ed.Cet, 2004-2005, O/o. Director of School, Education,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st to 3rd respondents as illegal, arbitrary and unconstitutional and consequently direct the respondents 1 to 3 to grant religious minority certificate pursuant to the inspection report submitted by the 3rd respondent to the 2nd respondent on 07-03-2005.

Counsel for the Petitioner:MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed aggrieved by the order of the second respondent dated 18.03.2005 informing the petitioner-Institution that its application for renewal of Minority Status Certificate for the academic year 2004-05 cannot be forwarded to the Minority Welfare Department and requiring it to submit the proposals well in advance for the academic year 2005-06.

It is not in dispute that the Minority Status Certificate granted in favour of the petitioner for the academic year
2003-04 was valid up to 16.03.2005. The petitioner states that in terms of Rule 3 of the Rules made in G.O.Ms. No. 1, Minority Welfare (M & R) Department dated 16.01.2004, the petitioner has made an application for renewal of the Minority Status Certificate three months in advance i.e., on 20.11.2004.

In the impugned proceedings itself, it was admitted that the petitioner made the application together with the demand draft towards the fee on 20.11.2004. It is also clear from the impugned proceedings that on the basis of the said application of the petitioner, the second respondent, by proceedings dated 17.12.2004, directed the third respondent-Regional Joint Director of School Education, Kadapa, to inspect the petitioner college and to submit the inspection report. It appears that the said inspection report was received from the third respondent on 07.03.2005. However, it appears that in the meanwhile the Chairman, A.P. State Council for Higher Education, Hyderabad convened a meeting on 02.03.2005 with the officers of the School Education Department and Minority Welfare Department and after discussions, it was decided that a cut off date shall be fixed as 05.03.2005 for furnishing the list of minority colleges for the year 2004-05 for preparing seat matrix by the Convenor (Admissions) EDCET-2004 and for issuing notification for B.Ed., admissions. In pursuance thereof, the Minority Welfare Department has furnished

the list of Minority B.Ed., colleges on 05.03.2005. But without including the petitioner college in the list, the impugned proceedings were issued informing the petitioner that since the petitioner has failed to submit the proposals within the stipulated time, their application cannot be forwarded to the Minority Welfare Department for renewal of Minority Status Certificate for the year 2004-05.

Heard the learned Counsel for both the parties and perused the material on record.

The observation made by the second respondent in the impugned proceedings that the petitioner has failed to submit the proposals within the stipulated time is apparently erroneous since the petitioner has admittedly made the application for renewal of Minority Status Certificate as long back as on 20.11.2004. May be that, the inspection report was submitted by the 3rd respondent belatedly on 7-3-2005, but the petitioner college cannot be found fault with for that and therefore the same cannot be a ground for not considering its case for Minority Status Certificate for the year 2004-2005.

It is also to be noted that the fact that the petitioner institution is having Minority Status Certificate valid up to 16.03.2005 is not in dispute. If that be so, there is no justifiable reason for not including the petitioner institution in the list of Minority B.Ed., colleges, which was sent on 05.03.2005 for preparing seat matrix for the year 2004-2005.

Learned Government Pleader, under instructions, states that on the basis of the report submitted by the third respondent dated 28.02.2005, further steps are in progress.

Having regard to the facts and circumstances of the case and particularly keeping in view the undisputed fact that the petitioner institution has made the application in compliance with the requirements of Rule 3 of the Rules made under G.O.Ms.No.1 dated 16.01.2004, I am of the view that the second respondent is not justified in

rejecting the request of the petitioner on the ground that the petitioner has failed to submit the proposals within the stipulated time.

The writ petition is accordingly disposed of setting aside the impugned order dated 18.03.2005 and directing the second respondent to consider the request of the petitioner for renewal of the Minority Status Certificate for the academic year 2004-05 afresh and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

In the meanwhile, keeping in view the fact that the counseling for admission for the academic year 2004-05 is going on, there shall be a direction to the fifth respondent to allot the students treating the petitioner institution as a minority institution for the academic year 2004-05, provided the petitioner complies with all other statutory requirements. However, this shall be subject to the fresh orders that may be passed by the second respondent in pursuance of the orders in this writ petition. No costs.

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23.03.2005

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To

1 The Principal Secretary, Minorities Welfare
(M&R) Department, Government of Andhra Pradesh,
Secretariat, Hyderabad.
2 The Commissioner and Director of School Education
State Level Standing Committee, Hyderabad, Andhra Pradesh.
3 The Regional Joint Director of School Education,
Cuddapah, Cuddapah District.
4 A.P.State Council for Higher Education, Hyderabad.
5 The Convenor, A.P.Ed.Cet, 2004-2005,
O/o. Director of School, Education,Hyderabad.

6 2 CD copies

7 1 CC to MR.NAGARJUNA REDDY